

EXHIBIT S

CIVIL COURT OF CITY OF NEW YORK
COUNTY OF KINGS HOUSING PART

Index No. L/T

TIVOLI BI LLC

against

Petitioner (Landlord),

THELMA ANDREWS

*Respondent (Tenant)***NON-PAYMENT
PETITION DWELLING**

Address:

49-57 CROWN STREET
APT. 20H
BROOKLYN, NY 11225

THE PETITION OF TIVOLI BI LLC, a N.Y. Limited Liability Corporation alleges, upon information and belief:

1. Petitioner(s) is(are) the landlord(s) and owner of the premises.
2. Respondent(s) THELMA ANDREWS, is(are) tenant(s) in possession of said premises pursuant to a(n) WRITTEN lease agreement wherein respondents promised to pay to landlord or landlord(s) predecessor as rent \$1,975.00 each month in advance on the 1ST day of each month.
3. Respondent(s) are now in possession of said premises.
4. The premises are the residence of the tenant(s) and the undertenant(s) herein.
5. The premises for which removal is sought was rented for Dwelling purposes and are described as follows:
All Rooms, Apartment # 20H in the building known as 49-57 Crown Street Brooklyn, NY 11225, situated within the territorial jurisdiction of the Civil Court of the City of New York, County of Kings.
6. Pursuant to said agreement there was due from respondent tenant(s), the sum of \$62,423.01 in rent and additional rent as follows:

Jan 23 \$1,975.00
Dec 22 \$60,448.01 *

** See Attached Rider*

7. The building is exempt from the New York City Emergency Rent Law, and the Rent Stabilization Law of 1969, as amended as it is owned by a Limited Profit Housing Company and organized under Article "2" of the Private Housing Finance Law. The building is supervised by the Department of Housing Preservation and Development. The tenant is not the recipient of a rent subsidy.

8. Said rent has been demanded from the tenant(s) by a fourteen day written-notice a copy of which, with affidavit of service, is annexed hereto since same became due and Petitioner has complied with RPL §235-e (d).

9. Respondent(s) have defaulted in the payment thereof and continue in possession of premises without permission after said default.

STELLA-4957-20H

FILE NO: 90772

10. The premises are a multiple dwelling and pursuant to the Housing Maintenance Code Article 41 there is a currently effective registration statement on file with the Office of Code Enforcement which designates the managing agent named below, a natural person over 21 years of age, to be in control of and responsible for the maintenance and operation of the dwelling.

AGENT: ARIANIT JAKUPAJ 44 West 28th Street New York, NY 10001
44 West 28th Street 6th Floor, New York, NY 10001
Multiple Dwelling No. 374566

WHEREFORE, Petitioner requests a final judgment against respondents(s) for the rent demanded therein, awarding possession of the premises to the petitioner landlord, and directing the issuance of a warrant to remove respondent(s) from possession of the premises together with the costs and disbursements of this proceeding.

TIVOLI BI LLC,

Dated: January 17, 2023

STATE OF NEW YORK, COUNTY OF NEW YORK

The Undersigned affirms under penalty of perjury that he is one of the attorneys for the petitioner, that he has read the foregoing petition and knows the contents thereof: that the same are true to his own knowledge except as to matters stated to be upon information and belief: and as to those matters he believes them to be true. The grounds of his belief as to matters not stated upon his knowledge are statements and/or records provided by the petitioner, its agents and/or employees and contained in the file in the attorneys office. * This verification is made pursuant to the provisions of RPAPL 741. The reason a member of petitioner did not sign this verification is that one was not available at the time this petition was prepared.

Dated: January 17, 2023



Kevin D. Cullen, Esq.

Cullen & Associates, P.C.
Attorney for Petitioner-Landlord
299 Broadway, Suite 1510
New York, NY 10007
(212) 233-9772
nonpayments@cullenpc.com

STELLA-4957-20H

FILE NO: 90772

CIVIL COURT OF CITY OF NEW YORK
COUNTY OF KINGS HOUSING PART

TIVOLI BI LLC

against
THELMA ANDREWS*Petitioner (Landlord),*

Index No. L/T

Respondent (Tenant)

Address:

49-57 CROWN STREET
APT. 20H
BROOKLYN, NY 11225**NOTICE OF ELECTRONIC FILING**
(Consensual Case)
(Uniform Rule § 208.4-a)**You have received this Notice because:**

- o The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York Courts e-filing system, and
- o You are a defendant/Respondent (a party) in this case.

If you are represented by an attorney: give this Notice to your attorney (Attorneys: see "Information for Attorneys" pg 2).

If you are not represented by an attorney: you are not required to e-file. You may serve and file documents in paper form and you must be served with documents in paper form. However, as a party without an attorney, you may participate in e-filing.

Benefits of E-Filing

You can:

- o serve and file your documents electronically
- o view your case file on-line
- o limit the number of trips to the courthouse
- o pay any court fees on-line

There are no additional fees to file, view, or print you case records.

To sign up for e-filing or for more information about how e-filing works, you may:

- o visit www.nycourts.gov/efile-unrepresented or
- o go to the Help Center or Clerk's Office at the court where the case was filed. To find legal information to help you represent yourself visit www.nycourthelp.gov

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Information for Attorneys

An attorney representing a party who is served with this notice must either consent or decline consent to electronic filing and service through NYSCEF for this case.

Attorneys registered with NYSCEF may record their consent electronically in the manner provided at the NYSCEF site. Attorneys not registered with NYSCEF but intending to participate in e-filing must first create a NYSCEF account and obtain a user ID and password prior to recording their consent by going to www.nycourts.gov/efile.

Attorneys declining to consent must file with the court and serve on all parties of record a declination of consent.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact NYSCEF Resource Center (phone: 646 386-3033; email: efile@nycourts.gov).

Dated: January 17, 2023

| | |
|-----------|--|
| Name | Kevin D. Cullen, Esq. |
| Firm Name | Cullen & Associates, P.C. |
| Address: | 299 Broadway, Suite 1510 New York, NY 10007 |
| Phone | (212) 233-9772 |
| Email | nonpayments@cullenpc.com |

TO: THELMA ANDREWS
49-57 CROWN STREET
APT. 20H
BROOKLYN, NY 11225

7/19/19

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FILE NO: 90772

TRIBUNAL CIVIL DE LA CIUDAD DE NUEVA YORK
CONDADO DE KINGS: PARTE DE LA VIVIENDA

TIVOLI BI LLC

contra

THELMA ANDREWS

Parte Demandante,

Numero de Indice L/T

Parte Demandada

Dirección

49-57 CROWN STREET
APT. 20H
BROOKLYN, NY 11225**Aviso Presentación Electrónica
(Causa mutuo acuerdo)
(Regla Uniforme §208.4-a)****Ha recibido este aviso porque:**

- o La parte demandante anteriormente nombrada ha iniciado este caso utilizando el sistema de presentación electrónica de demandas (e-filing) de los Tribunales del estado de Nueva York, y
- o Usted es una de las partes demandadas en esta causa

Si cuenta con representación legal: entréguele este aviso a su abogado(a) (Abogados: véase "Información para Abogados" en la segunda página.)

Si no cuenta con representación legal: no se le requiere presentar su demanda por medios electrónicos. Podrá presentar y entregar sus documentos impresos. No obstante como una de las partes del caso podrá presentar su causa por medios electrónicos.

**Beneficios de la presentación
electrónica (e-filing)****Puede:**

- o entregar y presentar sus documentos por medios electrónicos
- o ver su caso en línea
- o limitar sus viajes al tribunal
- o pagar costos judiciales en línea

No hay cobros adicionales para presentar, ver o imprimir el expediente judicial.

Para inscribirse en la presentación electrónica (e-filing) o para más información sobre cómo funciona:

- o visite www.nycourts.gov/efile-unrepresented o
- o Preséntese al centro de ayuda o a la secretaria del tribunal. Para información legal para litigantes por derecho propio visite: www.nycourthelp.gov

Información Para Abogados(as)

El(la) abogado(a) que represente a una de las partes de una demanda ya notificada de este aviso debe aceptar o rechazar la presentación y la entrega electrónica de los documentos a través del sistema de presentación electrónica de demandas (e-filing) de los Tribunales del estado de NY (NYSCEF).

Los/las abogados(as) registrados(as) con NYSCEF pueden dar su consentimiento por medio electrónico según las directivas dadas en el sitio web del NYSCEF. Los/las abogados(as) que no están registrados(as) con el NYSCEF con intenciones de participar en la presentación electrónica deberán crear una cuenta y obtener una identificación de usuario y contraseña en www.nycourts.gov/efile antes de dar su consentimiento.

Los/las abogados(as) que se nieguen a dar su consentimiento de entrega deben presentar al tribunal y a todo participante un aviso de la declinación de consentimiento.

Para más información sobre la presentación electrónica de demandas o sobre cómo crear una cuenta NYSCEF, visite el sitio web www.nycourts.gov/efile o comuníquese con el Centro de Recursos del NYSCEF (teléfono: 646-386-3033; correo electrónico: efile@nycourts.gov).

Fecha: Enero 17, 2023

| | |
|--------------------------------------|--|
| Nombre | Kevin D. Cullen, Esq. |
| Nombre del Bufete de Abogados | Cullen & Associates, P.C. |
| Dirección: | 299 Broadway, Suite 1510 New York, NY 10007 |
| Teléfono: | (212) 233-9772 |
| Correo Electrónico: | nonpayments@cullenpc.com |

Para: THELMA ANDREWS
49-57 CROWN STREET
APT. 20H
BROOKLYN , NY 11225

Numero de Indice:
STELLA-4957-20H

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7/21/20

FILE NO: 90772

**FOURTEEN (14) DAY NOTICE TO FEDERALLY SUBSIDIZED TENANT
FOR MATERIAL NON-COMPLIANCE WITH LEASE, PURSUANT TO
HUD REGULATIONS AND CONCURRENT DEMAND FOR RENT**

December 6, 2022

Tenant(s): **THELMA ANDREWS**

Premises: 49-57 CROWN STREET
Apt 20H
BROOKLYN, NY 11225

YOU ARE HEREBY ADVISED that your undersigned landlord may elect to terminate your tenancy in the event that you fail to cure your monetary default.

Be advised that termination, if any, would be based upon your material non-compliance with rental obligations pursuant to your lease.

In the event you fail to cure your monetary default and/or reach an accord with the undersigned Landlord, the undersigned Landlord may commence a summary proceeding in the **Civil Court of the City of New York, KINGS County** to obtain money and possessory judgments, as well as a warrant for your eviction.

BE ADVISED that at all times you have the right to assistance of counsel.

BE FURTHER ADVISED that you are justly indebted to the undersigned Landlord in the sum of **\$60,448.01** for the rent of said premises through **December 2022** payment of which must be made by **January 6, 2023** or you must surrender possession of said premises to the undersigned Landlord. This paragraph constitutes a demand for rent under RPAPL §711(2) and runs concurrent with the Federally required notice. An accurate breakdown of the balance due is set forth on page 2 of this notice.

The building is exempt from the New York City Emergency Rent Law, and the Rent Stabilization Law of 1969, as amended as it is owned by a Limited Profit Housing Company and organized under Article "2" of the Private Housing Finance Law. The building is supervised by the Department of Housing Preservation and Development. The tenant is not the recipient of a rent subsidy.

HPD

FOURTEEN DAY NOTICE TO TENANT
RENT DEMAND

Dated: December 6, 2022

RE: THELMA ANDREWS
49-57 CROWN STREET, Apt 20H
BROOKLYN, NY 11225

PLEASE TAKE NOTICE that you are justly indebted to the undersigned Landlord in the total sum of \$60,448.01 for rent and additional rent, if any, as set forth below, which you are required to pay on or before 01/06/2023 that being not less than fourteen (14) days from the service of this notice upon you. If you fail to make complete payment of the rent or elect to surrender possession of the premises within said time period, the Landlord may commence a summary proceeding.

Total Rent \$60,448.01

Total Miscellaneous Charges

\$0.00

** * SEE RIDER ATTACHED * **

TIVOLI BI LLC

Additional Service and/or Mailings:
Department of Housing Preservation
And Development
100 Gold Street
New York, NY 10038

TIVOLI BI LLC

Date: 12/06/2022

By Certified Mail

Dear THELMA ANDREWS
49-57 CROWN STREET
APT. 20H
BROOKLYN, NY 11225

RE: Rent not received

Pursuant to the provisions of §235-e(d) of the New York State Property Law, this letter shall serve as notification that the monthly rent due under the terms of your lease, for the months set forth below, have not been received and at least five (5) days elapsed since the date it was due.

Rent from 11/01/2019 to 12/01/2022 ***SEE ATTACHED RIDER ***

TIVOLI BI LLC

Cullen & Associates, P.C.
Attorneys at Law
299 Broadway, Suite 1510
New York, NY 10007
Phone: (212) 2

DETAILED CHARGE AND ARREARS HISTORY RIDER

TIVOLI BI LLC

Form Date: 12/06/2022

- vs -

THELMA ANDREWS

File #: 90772
Key #: STELLA-4957-20H
Index #: /05

49-57 CROWN STREET
Apt. 20H
BROOKLYN, NY 11225

| Date | Description | Amount | Date | Description | Amount |
|-------|-------------|----------|-------|------------------------------|----------|
| 12/22 | BASIC RENT | 1,975.00 | 06/20 | BASIC RENT | 1,250.00 |
| 11/22 | BASIC RENT | 1,975.00 | 05/20 | BASIC RENT | 1,250.00 |
| 10/22 | BASIC RENT | 1,975.00 | 04/20 | BASIC RENT | 1,250.00 |
| 09/22 | BASIC RENT | 1,975.00 | 03/20 | BASIC RENT | 1,250.00 |
| 08/22 | BASIC RENT | 1,975.00 | 02/20 | BASIC RENT | 1,250.00 |
| 07/22 | BASIC RENT | 1,975.00 | 01/20 | BASIC RENT | 1,250.00 |
| 06/22 | BASIC RENT | 1,875.00 | 12/19 | BASIC RENT | 1,250.00 |
| 05/22 | BASIC RENT | 1,875.00 | 11/19 | BASIC RENT | 1,098.01 |
| 04/22 | BASIC RENT | 1,875.00 | | Miscellaneous Charges | |
| 03/22 | BASIC RENT | 1,875.00 | | | |
| 02/22 | BASIC RENT | 1,875.00 | | | |
| 01/22 | BASIC RENT | 1,875.00 | | | |
| 12/21 | BASIC RENT | 1,875.00 | | | |
| 11/21 | BASIC RENT | 1,875.00 | | | |
| 10/21 | BASIC RENT | 1,875.00 | | | |
| 09/21 | BASIC RENT | 1,875.00 | | | |
| 08/21 | BASIC RENT | 1,875.00 | | | |
| 07/21 | BASIC RENT | 1,875.00 | | | |
| 06/21 | BASIC RENT | 1,875.00 | | | |
| 05/21 | BASIC RENT | 1,875.00 | | | |
| 04/21 | BASIC RENT | 1,250.00 | | | |
| 03/21 | BASIC RENT | 1,250.00 | | | |
| 02/21 | BASIC RENT | 1,250.00 | | | |
| 01/21 | BASIC RENT | 1,250.00 | | | |
| 12/20 | BASIC RENT | 1,250.00 | | | |
| 11/20 | BASIC RENT | 1,250.00 | | | |
| 10/20 | BASIC RENT | 1,250.00 | | | |
| 09/20 | BASIC RENT | 1,250.00 | | | |
| 08/20 | BASIC RENT | 1,250.00 | | | |
| 07/20 | BASIC RENT | 1,250.00 | | | |

*** Continued...

Total: 60,448.01

Index no:

File / Case no:

PETITIONER TIVOLI BI LLC

VS.

RESPONDENT

THELMA ANDREWS
49-57 CROWN STREET Apt 20H
BROOKLYN, NY 11225

State of New York, County of Westchester ss:

PAUL DANKEL, being duly sworn, deposes and says:

That Deponent is not a party to this proceeding, is a licensed process server over 18 years of age and resides in Queens, New York.

Deponent was unable to serve **THELMA ANDREWS** tenant(s)/occupant(s) by personal delivery at:
49-57 CROWN STREET, APT 20H, BROOKLYN, NY 11225,
which is the only Apt 20H at said address, which are the premises sought to be recovered.

On **12/12/2022 at 11:42 AM**, Deponent served the attached **FOURTEEN (14) DAY NOTICE TO FEDERALLY SUBSIDIZED TENANT FOR MATERIAL NON - COMPLIANCE WITH LEASE, PURSUANT TO HUD REGULATIONS AND CONCURRENT DEMAND FOR RENT & FEDERAL COLLECTION NOTICE & NOTICE PURSUANT TO §235-E(D) OF THE NEW YORK STATE PROPERTY LAW** by affixing a true copy for each tenant/occupant upon a conspicuous part, to wit-the **apartment door** of said premises sought to be recovered.

Deponent was unable to find a person of suitable age and discretion willing to receive same at this time or during the prior attempt(s) made on **12/9/2022 at 8:38 PM** and on **12/12/2022 at 11:42 AM**


And on: **12/12/2022** deponent served copies of the within **FOURTEEN (14) DAY NOTICE TO FEDERALLY SUBSIDIZED TENANT FOR MATERIAL NON - COMPLIANCE WITH LEASE, PURSUANT TO HUD REGULATIONS AND CONCURRENT DEMAND FOR RENT & FEDERAL COLLECTION NOTICE & NOTICE PURSUANT TO §235-E(D) OF THE NEW YORK STATE PROPERTY LAW** on each tenant/occupant at the premises sought to be recovered, by depositing a true copy for each named tenant/occupant of the same enclosed in a post paid wrapper, addressed to each tenant at the premises sought to be recovered, in the post office by certified mail and by regular first class mail within the state of New York.

AND ON 12/12/2022 ADDITIONAL MAILING BY REGULAR AND CERTIFIED MAIL TO:
HPD, 100 GOLD STREET, NEW YORK, NY 10038

SWORN TO BEFORE ME ON 12/12/2022


ALAN ABOODY

NOTARY PUBLIC, STATE OF NEW YORK
NO. 01AB5014371
QUALIFIED IN WESTCHESTER COUNTY
COMMISSION EXPIRES JULY 15, 2023


PAUL DANKEL
LIC. # 1020803

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